

ORDER RECEIVED FOR FILING

Date 1/14/91
By hbj

PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
West Old Harford Road, 2110' N
of the c/l of Cub Hill Road
(9504-B Old Harford Road)
9th Election District
6th Councilmanic District
Case No. 91-266-A

STATEMENTS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 10 feet in lieu of the required 15 feet and a sum total of the side yard setbacks of 29 feet in lieu of the required 40 feet for a proposed garage in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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JRH:bjs

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 5th day of February, 1991 that the Petition for Residential Variance to permit a side yard setback of 10 feet in lieu of the required 15 feet and a sum total of the side yard setbacks of 29 feet in lieu of the required 40 feet for a proposed garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed garage to be converted to a second dwelling unit and/or apartments. The garage addition shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

- 2 -

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at _____
9504 B Old Harford Road
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

To shelter an antique truck, to leave the vehicle exposed to the outside elements it to decay and depreciate both in value and appearance.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Robert Hollifield
AFFIANT (Handwritten Signature)
Robert Hollifield
AFFIANT (Printed Name)

Robin M. Hollifield
AFFIANT (Handwritten Signature)
Robin Hollifield
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11 day of December, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert A. Hollifield & Robin M. Hollifield
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

December 14, 1990
DATE

James H. Dinkel
NOTARY PUBLIC
My Commission Expires: 12/21/93

FREE-STATE CONTRACTORS INCORPORATED

300 SASSAFRAS ROAD • BALTIMORE, MARYLAND 21221 • 574-9337

Zoning Description

Beginning at a point on the west side of Old Harford Road, which is 50' wide at the distance of 2,110 ±, north of the center line of the nearest improved intersecting street Cub Hill Road, which is 50' wide. Being lot 2 in the subdivision of 9506 Old Harford Road, as recorded in Baltimore Plat Book # 7936 Folio #266 containing 21,632 ± square feet, also known as 9504 B Old Harford Road and located in the 9th election district.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th Date of Posting 1/14/91
Posted for: variance
Petitioner: Monte Raye Jones
Location of property: 413 Old Harford Rd. 210 N. Cub Hill Rd. 9th B. Old Harford Rd.
Location of Signs: Facing Old Harford Rd. 210 N. Cub Hill Rd. 9th B. Old Harford Rd. 210 N. Cub Hill Rd. 9th B. Old Harford Rd.
Remarks: 17th St. 210 N. Cub Hill Rd. 9th B. Old Harford Rd.
Posted by: M. Haines Date of return: 1/15/91
Number of Signs: 1

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson MD 21204

887-3353

February 5, 1991

Mr. & Mrs. Albert Jones
300 Sassafras Road
Baltimore, Maryland 21221

RE: PETITION FOR RESIDENTIAL VARIANCE
W/S Old Harford Road, 2110' N of the c/l of Cub Hill Road
(9504-B Old Harford Road)
9th Election District - 6th Councilmanic District
Albert Jones, et al - Petitioners
Case No. 91-266-A

Dear Mr. & Mrs. Jones:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mr. & Mrs. Robert Hollifield
1967 Sue Creek Drive, Baltimore, Md. 21221

People's Counsel

File

Baltimore County
Zoning Commissioner
County Office Building
21 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-615C
Number

receipt

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
21 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6159
Number

receipt

to: December 11, 1990

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Please Make Checks Payable To: Baltimore County

Cashier Validation

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section _____

1802.3.C.1 To allow a side yard setback of 10 ft. and a sum total of side yard setbacks of 29 ft. in lieu of the required 15 ft. & 40 ft., respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) In order to have a shelter for an antique truck, to leave vehicle exposed to the outside elements would cause the vehicle to decay which would turn it would depreciate in value and in appearance.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Robert & Robin Hollifield

(Type or Print Name)

Signature Robert M. Hollifield

1967 Sue Creek Drive

Baltimore, Maryland 21221

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Phone

Attorney's telephone number

Legal Owner(s):

Albert & Debra Jones

(Type or Print Name)

Signature Albert Jones

300 Sassafras Road

Baltimore, Maryland 21221

City/State/Zip Code

Phone

Attorney's telephone number

ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of Dec., 1990, that the subject matter of this petition be posted on the property on or before the 2nd day of Jan., 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock, _____ M.

ORDER RECEIVED FOR FILING

Date 1/14/91
By hbj

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 11, 1991

Robert and Robin Hollifield
1967 Sue Creek Drive
Baltimore, Maryland 21221

Re: CASE NUMBER: 91-266-A

LOCATION: W/S Old Harford Road, 2110' N of c/l Cub Hill Road
9504-B Old Harford Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before January 16, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is January 31, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

13/
G. L. Stephens
(301) 887-3391

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353
January 13, 1991

Mr. & Mrs. Albert Jones
300 Sassafras Road
Baltimore, MD 21221

RE: Item No. 245, Case No. 91-266-A
Petitioner: Albert & Debra Jones
Petition for Residential Variance

Dear Mr. & Mrs. Jones:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this
4th day of January, 1991.

J. Robert Haines
Zoning Commissioner

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Albert & Debra Jones, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: January 25, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Albert Jones, Item No. 245
Michael Homssey, III, Item No. 246
Roy A. Mansfield, Item No. 260
Barry Mogol, Item No. 262
Pat Guzman, Item No. 271
Matthew S. Duerksen, Item No. 266
Howard E. Myers, Item No. 270

In reference to the above-mentioned cases, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVARI.ED/2AC1

received
1/28/91

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(301) 887-4500
JANUARY 11, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ALBERT AND DEBRA JONES

Location: #9504-B OLD HARFORD ROAD

Item No.: 245 Zoning Agenda: JANUARY 14, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Pat Keller, 1-11-91 Noted and Approved: J. Robert Haines
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
1/14/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Zoning Advisory Committee
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for January 14, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 245, 246, 262, 267, 271 and 273.

For Item 265, a County Review Group Meeting may be required.

For Item 260, this site must be submitted through the minor subdivision process for review and comments.

For Item 269, the site is subject to the minor subdivision process for review and comments.

Robert W. Bowling, P.E., Chief
Developers Engineering Division

RWB:s

